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8 Attorneys for Defendant
9 CONTRA COSTA COUNTY

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 RUDIS LOPEZ PRIETO, an individual;
13 OBDULIA ROMERO PRECIADO, an
individual; GONZALO PRECIADO, an
individual; J.P. a minor and an individual,
by and through his Guardian Ad Litem,
RAUL ALVORADO,

16 Plaintiffs,

17 v.

18 CONTRA COSTA COUNTY, a municipal
corporation; C. MACDONALD,
individually and in his capacity as a Contra
Costa County Deputy Sheriff; KEVIN
EIERMAN, individually and in his capacity
as a Contra Costa County Deputy Sheriff;
AMY FOSTER, individually and in his
capacity as a Contra Costa County Deputy
Sheriff; and DOES 1-50, inclusive,

Defendants.

No. C17-02663 JST

**STIPULATION AND [PROPOSED]
ORDER CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE AND
RELATED DATES**

CMC: November 8, 2017

Crtrm: ~~B, 15th Floor~~ 9, 19th Floor

Judge: Hon. Jon S. Tigar, Presiding

Date Action Filed: May 8, 2017

Trial Date: None Assigned

1 IT IS HEREBY STIPULATED by and between Plaintiffs Rudis Lopez Prieto, Obdulia
2 Romero Preciado, Gonzalo Preciado, J.P. a minor and an individual, by and through his
3 Guardian Ad Litem, Raul Alvorado and Defendant Contra Costa County, by and through their
4 attorneys, to the following:

5 The parties stipulate to a continuance of the Case Management Conference, currently
6 scheduled for November 8, 2017, for 60 to 90 days to a date convenient to the Court's
7 calendar. The stipulation is based on the following:

8 In August 2017, defendant Contra Costa County filed a motion to dismiss the *Monell*
9 claim against it (which is the only claim brought against the County in the complaint). That
10 motion was granted with leave to amend on October 12, 2017. Plaintiff has until November 2,
11 2017 to file an amended complaint. Until an amended complaint is filed (if one is filed), it is
12 unknown whether the County will remain a defendant in the case. If an amended complaint is
13 filed and names the County as a defendant, the County may file another motion to dismiss
14 which will not be heard for another 40-60 days.

15 The individual defendants have not yet been served. Although the parties anticipate
16 that they will be served in the next 15 days, the deadline for those defendants to respond to the
17 complaint will come after the date currently set for the Case Management Conference.

18 Based on the foregoing, it is difficult for the parties to meet and confer and prepare a
19 Joint CMC statement because (1) there is no operative complaint currently on file, (2) the case
20 is not at issue, (3) and it is not known what defendants will be in the case at the time of the
21 CMC.

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1 In light of the current procedural posture, the parties believe good cause exists to
2 continue the CMC for 60 to 90 days to a date convenient to the Court's calendar.

3 IT IS SO STIPULATED.

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5 DATED: October 27, 2017

SHARON L. ANDERSON
COUNTY COUNSEL

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7 By: /s/Patrick L. Hurley
8 Deputy County Counsel

9 Attorneys for Defendant
10 CONTRA COSTA COUNTY

11
12 DATED: October 27, 2017

JOHN L. BURRIS LAW OFFICES

13 By: /s/Lateef Gray

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15 Attorney for Plaintiffs
16 RUDIS LOPEZ PRIETO, OBDULIA ROMERO
17 PRECIADO, GONZALO PRECIADO and J.P. a
18 minor and an individual, by and through his
19 Guardian Ad Litem, RAUL ALVORADO

ORDER

There is good cause to continue the initial Case Management Conference and related dates. Case Management Conference is continued to February 7, 2018 at 2:00 P.M. before the Honorable JON S. TIGAR. The Joint Case Management Conference Statement is due January 31, 2018. All associated dates, including the date for the parties to exchange initial disclosures, are likewise continued.

IT IS SO ORDERED.

DATED: October 30, 2017

By:

HON. JON S. TIGAR
United States District Judge